

Desert Advisory Council
Imperial Sand Dunes Recreation Area Subgroup
Meeting Minutes
June 27th, 2013

Attendance:

Tom Acuna-CA OHV	Ian Canaan-BLM
Bob Ham- Local Community	Michelle Puckett-BLM
Jim Bramham- CA OHV	Thomas Tammone- Public
Ed Stovin- OHV Organization	Gary Wyatt- Public
Don Wharton- Local Community	Nicole Gilles-Public
Chuck Hattaway- OHV Organization via phone	Dick Holiday-Public via phone
Teri Raml-BLM	Glenn Montgomery-Public via phone
Tom Zale-BLM	Absent
Neil Hamada-BLM	Lee Banning- AZ OHV
Brian Puckett-BLM	

Call-in Information: 888-790-3556/ Passcode - 36808

Meeting called to order at 4:03 P.M. by Tom Acuna.

Welcome, Introductions, and Previous Meeting Minutes-Teri Raml and Tom Acuna

- Teri Raml introduced Tom Zale as the new El Centro Field Manager.
- Teri Raml announced that it has come to the BLM's attention that the RRAC will not be meeting in July as previously anticipated. The Desert Advisory Committee (DAC) will be acting for the RRAC regarding the ISDRA Business Plan Proposal. The BLM is working to get the notice in the Federal Register, meeting notifications are out, and a date confirmed. The BLM is also working with the Arizona Advisory Council counterparts to gather information regarding their process in reviewing and approving fee proposals. The Arizona Advisory Council has always acted as the RRAC in Arizona regarding fee proposals and has a lot of background. The USFS is trying to get a RRAC together, however, the BLM cannot wait any longer.
- Jim Bramham asked "We have two members of the RRAC that have been following this plan, and how would they comment or act on this if they would like to?" Teri Raml responded, "That is a good question Jim. We would like them to provide feedback, I will look into that." (Editor's note: It was later discussed that the RRAC members can provide written or verbal comments to the DAC.)

- **Don Wharton presents a motion “to accept the meeting minutes from the previous meeting.” Jim Bramham seconded the motion. Motion carries and meeting minutes from April 18, 2013 meeting are accepted.**

Field Manager’s Report-Tom Zale- 4:10 P.M.-4:30 P.M.

- The BLM would like to recognize three individuals for their service on the DAC ISDRA Subgroup and the TRT before then. Bob Mason, Larry Jowdy, and Glenn Montgomery, we give many thanks to your hard work and dedication to the ISDRA and look forward to continued dialogue and work together. The BLM presented a plaque for each member whose terms expired.
- Tom Zale gave a short presentation detailing his direction and visions for the future of ECFO and the ISDRA Subgroup.

ISDRA Business Plan Update – Tom Acuna- 4:30 P.M.-5:20 P.M.

- Tom Acuna detailed that the Subgroup Meeting’s purpose today was to obtain public comment for the ISDRA Business Plan. This plan is not a NEPA final draft. “We are going to have a discussion with the subgroup for about 30 minutes and then open it up to the public for feedback and comments; then, we will discuss it again as the Subgroup. The Subgroup recommendations will then go forth to the DAC to act as the RRAC at a meeting that will occur July 27th, I believe.”
- The public present at the meeting were advised to provide input on a speaker card that would be discussed during the public comment period.
- Bob Ham stated that whatever recommendations the subgroup makes, or plan that the BLM writes, should include some wiggle room for later. “If we put in a five year plan and we find a major change that we need to change in a hurry, I hope we can do it. I asked locally for a local permit, I see some information in this plan. We are the county that can least afford this fee increase. We need you to keep thinking about something like a daily fee, and you mentioned before that you can’t look at something that can target zip codes but maybe a different idea is making it available on site during the morning hours or something like that, that would allow locals the benefit. We want to have the kids of our community and their friends to come in and a single day pass would help that.”
- Jim Bramham expressed his discomfort with not having a daily pass available in the business plan. Jim suggested “If you were to set a weekly fee at \$25.00 and a daily at \$15-\$20.00, but not have it go into effect for a year, then a working group could be formed and a recommendation could be made by the working group. And if the recommendation is not effective and no decision could be made, then one year later, it wouldn’t be passed. I think it is highly important that enforcement and implementation be discussed. I think the second vehicle pass falls short in that it punishes the season permit holder. I didn’t see anything about the implementation of how the second vehicle

permit will actually be implemented. This is exactly what happened at Dumont, we want a pathway written in the document that this subgroup or another working group can take a look at things and change a fee, or eliminate a fee, and you should be able to do this without having to go to the RRAC. I'd like the subgroup to be incorporated into the policy. We want to have an idea to put in the policy for perfection." Tom Acuna responded to Jim Bramham expressing that on page 68 of the plan, the daily use fee was addressed by the BLM stating that the daily use fee would not be cost effective. Jim Bramham acknowledged that the BLM had addressed the day use fee however, he doesn't like the answer.

- Tom Zale stated that funding as we know it is less than what we are forecasting regarding the grant cycle. The way our plan is structured allows for a change in fees in 2016, but with a note that we wouldn't increase the fee if we didn't need to.
- Jim Bramham- "I just want a pathway for success. I believe that this [daily permits] is revenue that we are not getting. I doubt that there are a large number of those day users purchasing passes, and I know there are second vehicles hiding in camps."
- Ed Stovin discussed the idea of having a free parking area in the north and south dunes for individual who wanted to visit. Neil Hamada mentioned that we have had this idea proposed before however an issue that comes up is that if we allowed parking in a day use area then it takes away from camping areas. "If you mix camping and day use areas together it is more difficult to manage. If we use gates, do we lock vehicles in the gates after a certain hour? If so, then we take law enforcement away from OHV management to do parking lot management. We could work through these ideas though."
- Don Wharton- "As I went through the plan, representing the local communities, I like the concept and the talk we are having about wiggle room. I do really want to echo the importance of the review process and to take out the unknowns. We don't want to come and just vent. We want some process in place so we can have a mechanism in order for change."
- Tom Acuna asked if there was a page in the business plan that discussed making minor changes. Tom Zale responded, "On page 40 it states, 'The BLM reserves the ability to implement fee increases should changes in technology, or drops in visitation levels and service, dictate and no price increase is needed.'" Jim Bramham stated, "That is a statement solely with the BLM and their decision. It is not giving public input." Jim Bramham expressed, "I think this is where we are personally disconnected with the conversation, and where Teri and I have butted heads. The BLM is concentrating on the fee and the dollar amount. My concerns are in the implementation and needs for adjustment. I understand the fee is important, but we are asking for the numbers to be justified and set at an appropriate fee level. We are back to what is appropriate and I don't see that we are there."
- Ed Stovin- "We don't see the criteria to implement the raise in fees or keep it the same. Two years come, 2016, what are the criteria to raise the fee? Did we get more money

from the government? I don't see anything about how we can decrease the fees." Tom Zale responded, "We looked at the different revenue sources and carefully laid it out. If our assumptions of economic woes are correct, we need the incremental increase to achieve the required level of revenue. We also wanted to make it clear that if our projection is wrong, or any variables change, then the fee would not be increased. The idea that it could be potentially be reduced, I don't see that. I believe that with all the work and assumptions that we have made, I don't see a decrease." Ed replied with this statement, "So when I look through the plan, I know in 2009 we were in a recession, so now we are coming out of the recession. It shows that in the last five years revenues have gone down. So now I would presume that we should be improving, finances will go up. I want to see a v-shaped graph, but in your projection everything keeps going down, I don't see any upswing." Tom Zale- "I don't mean to be a pessimist; however federal funding is on a downward slope for the foreseeable future.

- Jim Bramham- "And moving from an assumption built on an assumption, as you move forward you will get the knowns. What happens when we buy a sticker and it gets washed off our bumpers? Where in the business plan would this be addressed? Where is it that we can get all the physical implementation of this plan? Tom Zale responded, "Putting the business plan aside, in the ISDRA, we have been looking at how to change and how we can cut back costs, many ideas have been implemented. Our office [ECFO] will continue to try and reduce costs and we want to make things better and become more efficient. In terms of the business plan, we aren't asking for approval of the business plan. We are asking for the fee proposal to be accepted. It is a living document, the business plan, and we won't edit it every day, but if there is a need for change, we will work to make a change. I like your idea, Jim, about continuous evaluation for improvement; I think we should do that. Tom Acuna asks, "Having some flexibility for minor changes would be expeditious and worthy. What would that tool look like? How many words would it take so we would have a voice somewhere written in the plan?" Jim Bramham interjects, "We have historically always had input on these issues, until this business plan and it has been enormously frustrating on this body, including me. We don't want to move backwards, it should be inclusive, and on a public trust stand point, essential."
- Ed Stovin complemented the BLM regarding the amount of financial information in the business plan. He stated that it "almost shows the BLM's vulnerability. Before the meeting I was wondering where fees were spent. I applaud the amount of information provided."
- Ed Stovin also asked, "Can vendors sell this permit for any price they would like? It seems a little weird that someone could charge \$180.00 instead of the \$150.00. So BLM is ok with that?" Neil Hamada explains, "The majority of vendors who sell the permits are convenience stores. Some businesses even give permits away. The price the permit is sold to the vendor is the same, so BLM gets the same amount of money. It is up to the

vendors once they purchase the permits from the fee contractor what the price will be. Some vendors add on a handling or postage fee”

- Ed Stovin- “What if the season sticker is just on the dashboard? How do we make sure it is stuck to the vehicle?” Neil Hamada explained, “We would have to make a supplemental rule to make sure it is affixed to the vehicle. We had to make a supplemental rule for the current hangtags stating that the hangtags must be hung and properly displayed.” Tom Acuna asks, “Is it easy to see, for enforcement, with it affixed?” Neil Hamada responded, “We will be, and are, working with law enforcement to make sure that it is easy for enforcement.”
- Chuck Hattaway asks, “If I have my motorhome with a season sticker but I don’t take my motorhome, I take just my truck instead, would I have to buy another pass?” Neil responded with, “Yes. When we talked about this back in 1998-1999, we didn’t implement it because of this exact issue. The idea of having a name or a license plate associated with the pass was brought up and discussion continues about the possibilities. Tom Zale expressed having a name associated with a permit does not help when the person or camp is out riding, enforcement cannot check names and driver’s license when people are out recreating away from their primary vehicle. Tom Acuna addresses the group stating that BLM enforcement is not taking this lightly, so as a subgroup I am hearing that the enforcement of the permit is not something we need to comment on.
- Ed Stovin- “I would like the BLM to add criteria for raising or lowering fees into this plan.”
- Ed Stovin- “I would like to add that with the USFS I purchase the Adventure Pass because you need to get it. If you don’t have it and you have a ticket, you can buy an adventure pass and it gives you the option to mail back the ticket and a copy of your receipt and you don’t have to pay the ticket.” Ian Canaan responded, “When you get a ticket for not having the permit, it isn’t for not having the permit, it is for not displaying it. We don’t have the staff to manage the different small process and exemptions.” Neil Hamada added, “We use to allow people to purchase the pass before they left. But we [BLM] trained our visitors to not buy a permit unless they were stopped. Visitors began to tell us, I will buy it on the way out and behavior changed to - if they don’t stop me on the way out and ask where my pass is, then I won’t buy one. So we have changed the way we enforce fees to make it fair to all those that do comply with the fee rules.”

Public Comment Period- 5:21 P.M.-5:40 P.M.

- Tom Acuna lets begin the public comment period. If you have a speaker slip you will have three minutes to speak. Once we hear the public comments today then, we would like to review and consider comments after the public comment period and have some discussion.
- Tim Timone- “My biggest pet peeve is the one day pass issues. I usually come out on a whim, and I am shut out. We come out in groups because we have to buy a week pass.

We don't want to do that. The one day pass issue needs to get tackled. The fee increase was a 66% increase, so now basically it is a worst case scenario. I'd like to see triggers so it is not at the worst case scenario. The second vehicle pass issue, I can understand the issue. I think there should be a small fee for the second vehicle pass. I am really nervous about rewriting and adding things to regulations."

- Dick Holliday- I have submitted my written comments to the BLM. I would like to go on the record with four or five issues. The amount of money spent on the fee contract is a huge concern 35% of fees collected. \$888,000 out of \$2.5 million is gross. The second vehicle permit issue is not a huge thing to fix. It isn't a huge deal. I would like to change fee collection. I am concerned about the business plan and the way the visitation is collected. The BLM has admitted that they actually they get 60% compliance. The money that the contractor gets when they are above a compliance percentage is wrong because the BLM cannot calculate correctly. Now you've spent over an hour talking about parking issues. Collecting the fees- they are not being collected legally. It is an entrance fee- under FLERA you are not allowed to charge an entrance fee. If you are collecting by charging OHVs you are not worrying about the parking. If you wash your vehicle and it washes off, you need another one. One of the issues, what if there is a surplus? I don't think people understand what the area needs to be managed. The roads are over 40 years old. Neil probably has bids for re-paving Gecko, Roadrunner, and Keyhole campgrounds for over 1 million dollars. All these facilities need maintenance. These campgrounds were designed during the time when you were big money if you had a camper. I don't think there would be a surplus, but there could be. The issues I have with BLM, in the long run, BLM needs funds to run and operate the recreation area and ISDRA.
- Gary Wyatt- "I am actually Bob Ham's replacement and the new and improved Bob Ham. Two things, having been the county supervisor for several years, it takes a lot to raise fees. We don't have a process to lower a fee, and I don't believe that for BLM there will be a process, or should be a process. I don't believe you need a process except for discussing with the subgroup. I don't believe you need, or have, a legal process to follow. In the county, we have lowered fees such as building fees, it isn't a long process. Whenever we raise fee, it is a different ball game. We have to justify everything. The second thing is- the medical calls billing. Some units of government are charging for calls. At Niland fire- they bill on every one of the calls. They bill the insurances and collect some of the money to offset the calls. Maybe that could be something that we could take to our legislature to gain permission for medical billing occur. It shouldn't be borne by those who use the dunes; it should be by those who use the service. People don't fly for free, they get billed." (Brian Puckett, BLM Paramedic, later added that the BLM does not have the authority to conduct individual medical billing.)
- Glenn Montgomery- "I like the idea you brought up on the one day pass, and Dick's comment about the permit tied to the OHV rather than the primary vehicle. My concern

is the actual cost of the season permit. I know that the pass was going to be omitted and then the pass was included because of public comment. If you look at it, it is 66% increase. But with the monthly look at the prices of the passes there will be five months to consider and the increase is actually 180%. From a \$90/season then to \$150.00 for seven months. Locals are considered that they go out over the 12 months but with most people the season is October through April.”

- Nicole Gilles- “I just wanted to let you know the ASA is working on our official comment and they will be forth coming prior to the deadline for the comments.”

Continue Business Plan Discussion Period 5:40 P.M.-6:20 P.M.

- Neil Hamada- “There were 22 public comments written, and most fell into the categories outlined in our previous meeting. There were a few new ones though. (Neil reviewed the 2013 Final Business Plan Comment Summary, attachment A)
- Tom Acuna- “I would like to draft a motion that could have many parts that we could incorporate many adjustments. Jim Bramham responded, “I am still in the 30 day comment period. I am certainly willing to talk about what things I’d like to recommend but don’t want to provide recommendations before everything is final” Tom asked Jim Bramham, “How would you like to make these recommendations to the DAC? Would you prefer a letter?” Jim Bramham responded, “You could make recommendations to the DAC about what the subgroup is looking to incorporate into the plan, and leave it at that. And then, have the BLM explain whether they incorporated them. I would like to have this group have a supportive role in this process. I am just sensitive to the ideas that the public still has input.”
- Tom Zale explained, “Our focus is to evaluate the comments we receive at the end of the comment period. We take those comments into consideration. We are not going back to rewrite the plan. We are focusing on now, and what we need to take to the DAC and present, and get it acted upon. From what I think I have heard were some ideas on how we might modify a fee proposal for possibilities of change and to explore how this would be implemented, and that we look at the second vehicle pass. But the practical matter is, I have until the end of July. Another thing that Dick [Holiday] brought up was what is spent on the contract; we are working with the BLM National Operations Center to have a new contract issued, and we can’t speak to what it looks like until it gets negotiated. We have heard loud and clear about the cost of operations. We are focused on this fee proposal and whether it can get approved by the DAC, and we are also looking at the RAMP.
- Jim Bramham- “So let us look at the meeting minutes. What I want to do is make a motion that we will accept the business plan with the modifications that we discussed today. But, my fear is that our motion could affect what could happen in the next 48 hours. Tom Acuna- “What I would like to do is give a title to the things that we feel strongly about in one document. So there is one document that the DAC and the BLM

could look at and say—I get it. And also have the public still provide comment; it doesn't preclude others from giving comments.” Jim Bramham- “We don't want the Subgroup's words to be a hammer against the other comments.”

- Tom Zale commented, “If we get a good idea or comment, we will take a look at it as we work through these next few years. Jim Bramham explained, “My fear is that if you don't put a dollar amount in [on the one day and second vehicle permits] when it gets approved, then we would have to go through this all again.”
- **Jim Bramham makes a motion: “The Subgroup recognizes open public comment period continues. Based on current information, our review, and current public comments we support the plan with the following conditions:**
 1. **Changes to the business plan- BLM will work with Subgroup**
 - a. **One day passes available to public**
 - b. **[Second] vehicle [passes] deserve more discussion to offer reasonable public options**
 2. **We are conscious of high cost to collect [fees] and encourage BLM to find a more efficient method**
 3. **If medical cost recovery becomes available at Federal level, those fees will be applied to the business plan.**

The motion is seconded by Ed Stovin. The motion is put to vote and carries unanimously. (see attachment B)

Meeting Adjourned at 6:20 P.M.

Attachment A

2013 Final Business Plan Comment Summary

(as of 6/27/2013)

Twenty two (22) comments have been received to date. Many fall into the same categories described in the April 18th, 2013, Desert Advisory Council ISDRA Subgroup meeting. However, there were a few comments that were new.

Existing categories

Opportunity For More Public Involvement - There were positive comments about the BLM providing a 30 day comment period.

Financial Figures and Data – A few commenters believe there are still errors in plan. Commenter referenced discrepancies in the visitation data and the fiscal estimates.

Fiscal Accountability – Some commenters felt the plan needs to include more detailed information about the budget. More background information on the number of law enforcement staffing for holidays was requested.

Program of Work and Service Levels - Commenters requested that the BLM reduce services rather than raise fees.

Legal Authority and Process – Commenters believe the program is non-compliant with the Federal Lands Recreation Enhancement Act (FLREA) and recommended the BLM collect fees by selling permits for each individual OHV. However, there was a question about the approval process of increasing the fees and how that would occur.

Examination of Alternative Fee Structures / Implementation Methods - There were comments about alternative fee structures such as coupon books, a day pass, discounts, reducing the fee area size, free passes for cars, and requests for a second vehicle permit. There were positive comments about the inclusion of a season permit.

Amount of the Proposed Fee – Commenters expressed their wishes to keep the current fee structure or reducing the current fee amount.

Revenue Sources – A commenter requested that BLM increase OHV grant applications for O&M.

Impact to Recreation Visitation / Socio-Economics – There were comments about the economic impacts to visitors and the local community. Commenters referenced the potential for a reduction in visitation and revenue if fees increased.

Format and Content – There were positive comments about the Final and that it is an improvement over the draft.

New Categories

Front Cover Picture – There were comments to change the picture on the front cover of the Final Business Plan. The commenters felt the emergency medical scene was an inappropriate image.

Support – There were commenters that said they support the plan and fee increase.

Attachment B

Imperial Sand Dunes Recreation Area
Desert Advisory Council Subgroup

MOTION FORM

Date: SUBGROUP Recognizes open public period
CONTINUES. BASE on INFORMATION, OUR REVIEW & PUBLIC
CURRENT COMMENTS

Motion: we support the plan w the following conditions

(1) changes to the business plan - BLM will work
w sub group. (2) one day passes
AVAILABLE to public (3) 2- ~~day~~ ^{vehicles} passes
more DISCUSSION (4) to offer reasonable
public options (5) we are conscious of high
costs to collect & manage BLM
to find more efficient method (6) if more
cost saving measures available a federal
level, those fees will be applied to the
business plan

Motion Made by: JIM BRADHAM

Motion Seconded by: WJ

Vote: 6

For

6

Against

Motion:
(Circle One)

PASSED

DENIED

Jim Bradham
Subgroup Chairperson